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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 SOCORRO VILLARREAL,  
12  
13 Plaintiff,  
14  
15 vs.  
16  
17 MICHAEL J. ASTRUE, Commissioner of  
Social Security,  
18 Defendant.

CASE NO. 11-CV-495 MMA (WVG)  
**ORDER:**  
**GRANTING MOTION TO**  
**PROCEED IN FORMA PAUPERIS;**  
[Doc. No. 2]  
**DIRECTING U.S. MARSHAL TO**  
**EFFECT SERVICE OF**  
**COMPLAINT PURSUANT TO 28**  
**U.S.C. § 1915(d) AND FED. R. CIV.**  
**P. 4(c)(3)**

19 On March 11, 2011, Plaintiff Socorro Villarreal filed a complaint for judicial review and  
20 remedy on an administrative decision of the Commissioner of Social Security denying his application  
21 for disability insurance benefits [Doc. No. 1], along with a motion to proceed *in forma pauperis*  
22 (“IFP”) [Doc. No. 2].

23 All parties instituting any civil action, suit or proceeding in a district court of the United States,  
24 except an application for writ of habeas corpus, must pay a filing fee of \$350. *See* 28 U.S.C. §  
25 1914(a). Where a plaintiff is granted leave to proceed IFP under 28 U.S.C. section 1915(a), the action  
26 may proceed without prepayment of fees or security. *See Rodriguez v. Cook*, 169 F.3d 1176, 1177  
27 (9th Cir. 1999). “To proceed [IFP] is a privilege not a right.” *Smart v. Heinze*, 347 F.2d 114, 116 (9th  
28 Cir. 1965). The Court may authorize the commencement of an action to proceed IFP where the party

1 submits an affidavit, including a statement of assets, showing that he or she is unable to pay the  
2 requisite filing fee. 28 U.S.C. § 1915(a).

3 In his affidavit, Plaintiff states he is unemployed, and receives money in the form of general  
4 relief and food stamps. Plaintiff has no checking, savings, IRA or any other accounts. He does not  
5 own a vehicle or real property. Plaintiff's declaration and statement of assets sufficiently shows that  
6 he lacks financial resources to pay the court fees.

7 Accordingly, the Court **GRANTS** Plaintiff's motion to proceed IFP.

8 In accordance with the Court's Order, **IT IS HEREBY ORDERED** that:


9 1. The Clerk shall provide Plaintiff with the summons, a certified copy of both this Order and  
10 the Complaint, and forward them to Plaintiff along with a blank U.S. Marshal Form 285 for the  
11 Defendant named in the Complaint. Plaintiff shall complete the Form 285 and forward it to the United  
12 State Marshal.

13 2. The United States Marshal shall serve a copy of the Complaint and summons upon  
14 Defendant as directed by Plaintiff on U.S. Marshal Form 285. *See* 28 U.S.C. §1915(d); FED. R. CIV.  
15 P. 4(c)(3).

16 3. Plaintiff shall serve upon Defendant or, if appearance has been entered by counsel, upon  
17 Defendant's counsel, a copy of every further pleading or other document submitted for consideration  
18 of the Court.

19 **IT IS SO ORDERED.**

20  
21 DATED: March 23, 2011



Hon. Michael M. Anello  
United States District Judge